

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

In the Matter of the Search re:

No. 4:19-mj-66

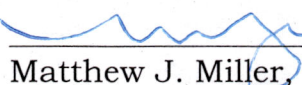
19-108-04

**REDACTED APPLICATION FOR  
SEARCH AND SEIZURE WARRANT**

I, Matthew J. Miller, being duly sworn depose and say:

I am a Special Agent with the Federal Bureau of Investigation (FBI), and have reason to believe that on the property or premises as fully described in Attachment A, attached hereto and incorporated herein by reference, there is now concealed certain property, which I believe is property constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses, concerning violations of 18 U.S.C. §§ 2113(a) and 2113(d) (bank robbery).

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.

  
Matthew J. Miller, Special Agent  
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence on the 23<sup>rd</sup> day of Sept, 2019, at Sioux Falls, South Dakota.

  
VERONICA L. DUFFY  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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IN THE MATTER OF THE SEARCH  
OF:

19-108-04

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No. 4:19-mj-66

**REDACTED AFFIDAVIT IN  
SUPPORT OF AN APPLICATION  
FOR A SEARCH WARRANT**

STATE OF SOUTH DAKOTA    )  
  ):SS  
COUNTY OF MINNEHAHA    )

I, Matthew J. Miller, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain cellular telephone assigned call number 812-517-9793, that is stored at premises controlled by CELLCO PARTNERSHIP DBA VERIZON WIRELESS (hereafter "Cellco"), a wireless telephone service provider headquartered at Bedminster, New Jersey. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require Cellco to disclose to the Government copies of the information further described in Attachment A.

2. I am a Special Agent with the FBI, and have been since August of 1992. During this time, I have been involved in the investigation of approximately twenty five bank robberies. I have also been involved in the

investigation of various cybercrimes, human trafficking matters, and drug investigations, many of which required the review and analysis of cellular telephone data. I have also spoken with Rolf Lokensgard, an FBI Agent in Minneapolis, Minnesota who is a technically trained agent who specializes in technical matters involving, among other things, cellular telephones and cellular telephone towers.

3. The facts in this affidavit relate to two bank robberies which occurred at the Sertoma bank branch of First National Bank located at 7109 West 26<sup>th</sup> Street in Sioux Falls, South Dakota, roughly one year apart. The observations come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 2113 have been committed, are being committed, and will be committed by Ferris Valentine. There is also probable cause to search the information described in Attachment A for evidence and instrumentalities of these crimes.

**PROBABLE CAUSE**

**November 15, 2016 Robbery**

5. On November 15, 2016, at approximately 9:00 a.m. two disguised subjects entered the Sertoma bank branch of First National Bank located at 7109 West 26<sup>th</sup> Street in Sioux Falls, South Dakota, and one of the two subjects was

armed. The subjects took money from the teller drawer and from the vault totaling \$210,214.

6. During their escape, one of the robbers injured himself and left a drop of blood in the lobby of the bank. The DNA and the drop of blood was later matched to Terrell Brunston.

7. Brunston was interviewed by the FBI, admitted to his involvement in the robbery and identified the second robber as Ferris Valentine.

8. Brunston said Valentine used a black four door car to drive to and from the robbery which he rented from the Omaha airport.

9. A witness to the robbery indicated the robbery suspects drove away from the bank in a black car.

10. Records subpoenaed from Enterprise showed Ferris Valentine to have rented a Black Buick Regal 4-door from the Omaha airport during the same time period as the robbery (renting the car on November 12, 2016 at 4:35 pm and returning it on November 16, 2016 at 12:55 pm).

11. A cellular telephone used by Valentine during that time period has been identified by reviewing records received from Cellco in Bedminster, New Jersey as telephone number [REDACTED].

#### November 24, 2017 Robbery

12. On November 24, 2017, at approximately 11:53 a.m., a single disguised subject entered the Sertoma bank branch of First National Bank located at 7109 West 26<sup>th</sup> Street in Sioux Falls, South Dakota, and was armed. The Unsub took \$68,027.

13. A review of the video tape revealed the subject wearing a mask identical to the one worn by one of the suspects in the November 15, 2016 robbery of the same branch.

14. A review of video footage from a nearby private residence showed the robbery suspect to be driving a Black 4 door Buick Envision.

15. Records subpoenaed from Enterprise showed Ferris Valentine to have rented a black 4 door Buick Envision from the Omaha airport during that same time period (renting the car on November 21, 2017 at 8:00 pm and returning it on November 24, 2017 at 7:36 pm).

16. In an FBI interview, Brunston indicated he reviewed a video of the November 24, 2017 robbery and identified the mask worn by the suspect to be identical to the mask worn by Valentine in the November 15, 2016 robbery.

17. In the same interview, Brunston indicated Valentine admitted to him in July of 2018 that he had robbed the same branch a second time.

18. A cellular telephone used by Valentine during that time period has been identified by reviewing records received from Cellco as telephone number [REDACTED].

Information concerning Cellco

19. I have reviewed records received from Cellco Partnership doing business as Verizon Wireless in Bedminster, New Jersey, and those records show that Ferris Valentine utilized telephone number [REDACTED] from August 21, 2016 to April 20, 2018. This period of time encompasses both bank robberies.

20. In my training and experience, I have learned that Cellco is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as “tower/face information” or “cell tower/sector records.” Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device (“GPS”) data.

21. Based on my training and experience, I know that Cellco can collect cell-site data about [REDACTED].

22. I also know that wireless providers such as Cellco typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes.

23. Based on my training and experience, I know that Cellco also collects per-call measurement data, which Cellco also refers to as the “real-time

tool” (“RTT”). RTT data estimates the approximate distance of the cellular device from a cellular tower based on the speed with which signals travel between the device and the tower. This information can be used to estimate an approximate location range that is more precise than typical cell-site data.

24. Based on my training and experience, I know that wireless providers such as Cellco typically collect and retain information about their subscribers in their normal course of business. This information can include basic personal information about the subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as Cellco typically collect and retain information about their subscribers’ use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the location of the user or users during the time when the bank robberies occurred and can also be used to identify possible co-conspirators.

#### **AUTHORIZATION REQUEST**

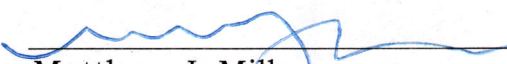
25. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.



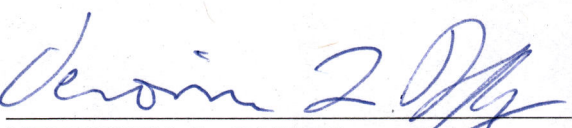
26. I further request that the Court direct Cellco to disclose to the Government any information described Attachment A that is within its possession, custody, or control. Because the warrant will be served on Cellco, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

27. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation, including by giving targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, and flee from prosecution.

Respectfully submitted,

  
Matthew J. Miller  
Special Agent  
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence on the 23<sup>rd</sup> day of Sept, 2019 at Sioux Falls, South Dakota.

  
VERONICA L. DUFFY  
United States Magistrate Judge



**REDACTED ATTACHMENT A****I. The Cell Towers**

This Order applies to certain records and information associated with the following cellular telephone towers ("cell towers") at the following dates and times:

<u>Cell Towers</u>	<u>Dates</u>	<u>Times (CDT)</u>
1. The cell towers that provided cellular service to:	11/15/2016	8am - 5pm
Cellco DBA Verizon Wireless telephone number [REDACTED]	11/24/2017	8am - 5pm
7109 West 26 <sup>th</sup> Street		
Sioux Falls, SD		
Latitude is: 43.528851		
Longitude is: 96.86.4449		

**II. Records and Other Information to Be Disclosed**

For each cell tower described in Part I of this Attachment, the Service Providers named in the Order are required to disclose to the United States all records and other information (not including the contents of communications) about all communications made using the cell tower during the corresponding timeframe(s) listed in Part I, including the records that identify:

- A. The name and location of cellular towers connected with Cellco Partnership DBA Verizon Wireless telephone number [REDACTED] on the aforementioned dates and times;
- B. The number of the telephone that called or was called by Cellco Partnership DBA Verizon Wireless telephone number [REDACTED];
- C. The date, time, and duration of each communication;
- D. The “sectors” (i.e., the faces of the towers) that received a radio signal from Cellco Partnership DBA Verizon Wireless telephone number [REDACTED]; and
- E. The type of communication transmitted through the tower (such as phone call or text message).

These records should include records about communications that were initiated before or terminated after the specified time period, as long as part of the communication occurred during the relevant time period identified in Part

I.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS**  
**PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Cellco Partnership, DBA Verizon Wireless and my official title is \_\_\_\_\_. I am a custodian of records for I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Cellco Partnership DBA Verizon Wireless, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/DVDs/terabytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Cellco Partnership DBA Verizon Wireless; and
- c. such records were made by Cellco Partnership DBA Verizon Wireless as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

In the Matter of the Search re:

19-108-04

No. 4:19-mj-66

**REDACTED SEARCH AND  
SEIZURE WARRANT**

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of the following property more fully described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of violations of 18 U.S.C. §§ 2113(a) and 2113(d) (bank robbery).

**YOU ARE COMMANDED** to execute this warrant on or before

10-7-19

(not to exceed 14 days)

☒ in the daytime - 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

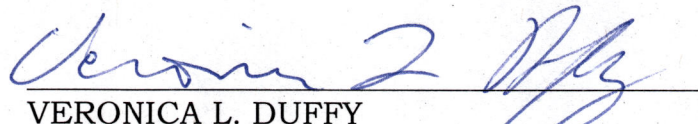
☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,

☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Cc: AUSA Clapper  
+ Agent Miller  
EJP

9-23-19 at 3pm CDT at Sioux Falls, South Dakota  
Date and Time Issued

  
VERONICA L. DUFFY  
United States Magistrate Judge



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